## <u>Certification Under 37 C.F.R. §1.8</u> Date of Mailing or Transmission: 10-24-2008

I hereby certify that I have caused the document indicated herein on the date indicated above to be transmitted via the Office Electronic Filing System (EFS) in accordance with 37 C.F.R. §1.6(a)(4).

/SXShort/ Reg. No. 45,105 Shayne X. Short, Ph.D., Reg. No. 45,105

Date: 10-24-2008

## PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Application Serial No:</b> 10/779,825	Attorney Docket No: BP2431
<b>Application Filing Date</b> : 02-17-2004	Inventor(s): Gottfried Ungerboeck
Examiner: TIMORY, KABIR A	
Art Group: 2611	Patent No: n/a
Confirmation No: 9140	Patent Issue Date: n/a
<b>Title</b> : Zero excess bandwidth modulation	

Mail Stop <u>RCE</u> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

In response to an advisory action mailed on 10-16-2008 (Part of Paper No./Mail Date 20081008A) regarding the above-identified U.S. utility patent application, the Applicant respectfully submits herewith a Request for Continued Examination (RCE) that is being filed within 3 months of the mailing date of the final office action mailed on 08-05-2008 (Part of Paper No./Mail Date 20080726).

The Applicant respectfully requests that the previously filed response to the final office action, that was filed via EFS on 10-06-2008 (EFS ID# 4063533), be entered in accordance with this RCE.

The 3 month due date for responding to the final office action falls on 11-05-2008. The Applicant respectfully believes that this RCE, being filed on 10-24-2008, is timely filed in accordance with 37 C.F.R. § 1.7.

RESPECTFULLY SUBMITTED,

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